

HOUSE No. 1225

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to affordable housing and the preservation of a community's water resources.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Viriato Manuel deMacedo	1st Plymouth
Bradley H. Jones, Jr.	20th Middlesex
George N. Peterson, Jr.	9th Worcester
Elizabeth Poirier	14th Bristol
Paul K. Frost	7th Worcester
Susan Williams Gifford	2nd Plymouth
Bradford R. Hill	4th Essex
Richard J. Ross	9th Norfolk
Todd M. Smola	1st Hampden
Robert S. Hargraves	1st Middlesex
Daniel K. Webster	6th Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1258 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO AFFORDABLE HOUSING AND THE PRESERVATION OF A COMMUNITY'S WATER RESOURCES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 SECTION 1. Section 20 of chapter 40B, as appearing in the 2006 Official Edition, is hereby
2 amended by striking the definition of “consistent with local needs” and inserting in place thereof
3 the following:--

4 "Consistent with local needs", requirements and regulations shall be considered
5 consistent with local needs if they are reasonable in view of the regional need for low and
6 moderate income housing considered with the number of low income persons in the city or town
7 affected and the need to protect the health or safety of the occupants of the proposed housing or
8 of the residents of the city or town, to promote better site and building design in relation to the
9 surroundings, to preserve the municipal water supply or the region's natural water resources, or
10 to preserve open spaces, and if such requirements and regulations are applied as equally as
11 possible to both subsidized and unsubsidized housing. Requirements or regulations shall be
12 consistent with local needs when imposed by a board of zoning appeals after a comprehensive

13 hearing in a city or town where (1) low or moderate income housing exists which is in excess of
14 ten percent of the housing units reported in the latest federal decennial census of the city or town
15 or on sites comprising one and one half percent or more of the total land area zoned for
16 residential, commercial or industrial use or (2) the application before the board would result in
17 the commencement of construction of such housing on sites comprising more than three tenths of
18 one percent of such land area or ten acres, whichever is larger, in any one calendar year;
19 provided, however, that land area owned by the United States, the commonwealth or any
20 political subdivision thereof, or any public authority shall be excluded from the total land area
21 referred to above when making such determination of consistency with local needs.